

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Charles Bofah, Agnes Rogers aka Agnes Rogers

Debtor(s).

CASE NO. 20-16406
CHAPTER 7

NOTICE OF MOTION

To: Charles Bofah & Agnes Rogers 24308 White Oak Drive Plainfield, IL 60585
David M. Siegel & Associates 790 Chaddick Drive Wheeling, IL 60090
Joji Takada 6336 North Cicero Avenue Suite 201 Chicago, IL 60646

PLEASE TAKE NOTICE that on October 9, 2020, at 9:15 a.m., I will appear telephonically before the Honorable LaShonda A. Hunt, or any judge sitting her place, and present the motion of Bayview Loan Servicing, LLC to Modify the Automatic Stay, a copy of which is attached.

This motion will be presented and heard telephonically using AT&T Teleconference. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must call in to the hearing using the following information—Toll Free Number: 1-888-557-8511; Access Code: 7490911. A party who objects to this Motion and wants it called must file a Notice of Objection no later than two (2) business days before the presentment date. If no Notice of Objection is timely filed, the court may grant the Motion without a hearing before the date of presentment.

/s/Michael Dimand
MICHAEL DIMAND

CERTIFICATE OF MAILING

I, MICHAEL DIMAND, an attorney, certify that I served the above-named respondents by placing a copy of the Motion in an envelope, correctly addressed and mailing same by regular mail, postage pre-paid in the U.S. Mail chute at 125 E. Lake St., Bloomingdale, Illinois before the hour of 5:00 p.m. on October 1, 2020.

/s/Michael Dimand
MICHAEL DIMAND

THIS COMMUNICATION IS FROM A "DEBT COLLECTOR." (15USC 1692a)

**IN THE UNITED STATES BANKRUPTCY COURT
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MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY)

Bayview Loan Servicing, LLC (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having an address of 24308 White Oak Drive, Plainfield, IL 60585 (the “Property”). In support of this Motion, Movant respectfully states:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed with respect to the Debtor(s) on August 30, 2020.
2. Pursuant to a certain Note and Mortgage, all obligations of the Debtor(s) under and with respect to the Note and the Mortgage are secured by the Property. Copies of the Note, Mortgage, and Assignment of Mortgage (if applicable) are attached hereto.
3. As of September 3, 2020, the outstanding amount due is \$218,686.87.
4. The debtor is due contractually for the May 1, 2020 payment, a default of 4 months, in the amount of \$6,261.52.
5. The estimated market value of the Property is \$225,000.00. The basis for such valuation is Debtor(s)' Schedule A and Schedule D.
6. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is \$218,686.87.
7. Cause exists for relief from the automatic stay for the following reasons:
 - A. Movant’s interest in the Property is not adequately protected.
 - B. Movant’s interest in the collateral is not protected by an adequate equity cushion.
 - C. The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant’s interest against that decline.

D. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Terminating the automatic stay of 11 U.S.C. § 362(a) to allow Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. For such other relief as the Court deems proper.

Respectfully submitted:

/s/Michael Dimand
Michael Dimand
Attorney for Creditor

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W17-1097

THIS COMMUNICATION IS FROM A "DEBT COLLECTOR." (15USC 1692a)